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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JEFFREY BRAY,

9 Plaintiff,

10 v.

11 ALASKA USA FEDERAL CREDIT UNION,
12 et al.,

13 Defendants.

CASE NO. C17-1939-RSL

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL

14 Plaintiff Jeffrey Bray, proceeding *pro se* and *in forma pauperis* (IFP) in this civil matter,
15 submitted a motion for appointment of counsel. (Dkt. 5.) Having reviewed plaintiff's motion,
16 along with the remainder of the record, the Court finds and ORDERS as follows:

17 (1) Pursuant to 28 U.S.C. § 1915(e)(1), this Court has the discretion to appoint counsel
18 for indigent litigants proceeding IFP. *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564,
19 569 (9th Cir. 1995). The Court may appoint counsel only on a showing of "exceptional
20 circumstances." *Id.*; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). "A finding of
21 exceptional circumstances requires an evaluation of both the likelihood of success on the merits
22 and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal
23 issues involved." *Wilborn*, 789 F.2d at 1331. These factors must be viewed together before

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1 reaching a decision on a request for counsel under § 1915(e)(1). *Id.*

2 In this case, plaintiff fails to demonstrate a likelihood of success on the merits. Nor is it
3 necessarily clear plaintiff would be unable to articulate his claims *pro se*. Accordingly, plaintiff's
4 motion for appointment of counsel (Dkt. 5) is DENIED.

5 (2) The Clerk shall send a copy of this Order to plaintiff and to the Honorable Robert
6 S. Lasnik.

7 DATED this 28th day of February, 2018.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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